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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT TACOMA

8 SHAUNA STERN and BRIAN STERN,

9 Plaintiffs,

v.

10 NATIONAL RAILROAD PASSENGER
11 CORPORATION d/b/a AMTRAK,

12 Defendant.

CASE NO. C18-5972 BHS

ORDER GRANTING IN PART
AND DENYING IN PART
DEFENDANT'S MOTION FOR
SUMMARY JUDGMENT AND TO
SHOW CAUSE

13 This matter comes before the Court on Defendant National Railroad Passenger
14 Corporation d/b/a Amtrak's ("Amtrak") motion for summary judgment on punitive
15 damages and Consumer Protection Act ("CPA") claim. Dkt. 16.

16 On October 30, 2019, Amtrak filed the instant motion. *Id.* On December 2, 2019,
17 Plaintiffs Shauna and Brian Stern responded. Dkt. 20. On December 6, 2019, Amtrak
18 replied. Dkt. 26.

19 Upon review of the motion, the Court grants the motion in part and denies the
20 motion in part on the same grounds and for the same reasons set forth in *Mitchem v. Nat'l*
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1 *R.R. Passenger Corp.*, C18-5366-BHS, 2020 WL 91490 (W.D. Wash. Jan. 8, 2020) and
2 related cases cited therein.

3 Regarding the remaining CPA claim, the Court will allow any party to show cause
4 why the claim should not be severed and opened in a new case as was done in the related
5 case of *Cottrell v. Nat'l R.R. Passenger Corp.*, C18-0072-BHS, Dkt. 53 (W.D. Wash.
6 Feb. 26, 2020). Any response may be filed no later than March 6, 2020.

7 **IT IS SO ORDERED.**

8 Dated this 27th day of February, 2020.

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BENJAMIN H. SETTLE
United States District Judge